

Declaration of  
Michelle Mansker

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

ILIO'ULAOKALANI COALITION,	)	CIVIL NO.04-00502 DAE BMK
a Hawaii, nonprofit corporation;	)	
NA 'IMI PONO, a Hawaii	)	DECLARATION OF MICHELLE MANSKER
unincorporated association; and	)	
KIPUKA, a Hawaii unincorporated	)	
association,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
DONALD H. RUMSFELD, Secretary of	)	
United States Department of	)	Hearing:
Defense; and LES BROWNLEE, Acting	)	
Secretary of the United States	)	Date: November 20, 2006
Department of the Army,	)	Time: 9:45 AM
	)	Judge: Hon. David A. Ezra
Defendants.	)	
	)	

SECOND DECLARATION OF MICHELLE MANSKER

I, Michelle Mansker, hereby declare that:

1. I am the Natural Resource Manager for the 25<sup>th</sup> Infantry Division (Light) and U.S. Army, Hawaii, Schofield Barracks, Oahu, Hawaii. I have served in this position since 22 August 2004. I received my MS in Botany in 2002 from the University of Hawaii. I have 11 years of experience as a botanist, including ten years working with and studying native Hawaiian flora. I was previously employed with the U.S. Fish and Wildlife Service between July 2000 and August 2005 and helped write the Biological Opinion (BO) of the U.S. Fish and

Wildlife Service (USFWS) for Routine Military Training and Transformation of the 2<sup>nd</sup> Brigade 25<sup>th</sup> Infantry Division (Light) on Oahu (2003).

2. I would like to comment on some of the documents Mr. Henkin has indicated he will submit to the Court and refer to during oral arguments today.

3. Figure 29 from the Biological Assessment (BA) for the Island of Hawaii shows the locations of plant species found within the proposed Battle Area Complex (BAX). The BAX is not one of the projects that the Army currently seeks to construct. All of these species are being protected in the larger eastern and western fenced areas described in detail in my earlier declaration. The US Fish and Wildlife Service (USFWS) found that the loss of the individual species in the BAX (though a short-term loss) was outweighed by the benefit of protecting the other individuals within the fence lines at Pohakuloa Training Area (PTA). There are sections in the BO for each of these species that discusses this more in depth. For *Silene hawaiiensis*, there are approximately 15,000 individuals at PTA. As is evident from Figure 29, only a very small percentage of these 8% would be affected by construction of the BAX. To ensure that the genetics contained by these individuals is not forever lost, Army biologists will collect seeds from these individuals before construction ensues and will grow the plants up and plant them in the

protected fenced areas. In addition, the fact that the species still exist in this area after continuous use a range shows the lack of impact from live fire training. Additionally, the alignment of the BAX was shifted several hundred meters to the west from the depiction in figure 29. The new alignment avoids additional impacts to both natural and cultural resources in the area. The Army consulted with USFWS regarding this realignment.

4. Figure 3 of the Hawaii BA shows existing ranges already overlap these species locations regardless of Stryker use so they would be impacted one way or another. The USFWS assumed eventual loss or impact to all individuals found within the impact area. That is why the Army is fencing the huge western and eastern portions of PTA outside the impact area. Again, USFWS has determined that this benefit far outweighs the short-term loss of individuals of these species.

5. The design of range 11T was closely coordinated with the on site biologist at Pohakuloa Training Area. He worked hand in hand with the folks at Range Control to ensure that the layout of the range, including the SDZ, does not impact known listed species locations. The resulting range and SDZ do not contain any listed species locations.

6. It should be noted that one cannot assume that there will be a direct percentage relationship between the chances of additional

fires from additional munition use. For example, just because there is a 25% increase in the number of munitions does not mean there will be a 25% increase in the chance of fires starting. The Army does not have records that show the likelihood of a particular weapon starting a fire, therefore, it is impossible to draw such a conclusion from increased munition use. We will continue to follow the Fire Danger Rating System which reduces the chances of fires starting from all munitions by limiting their use to the least likely times when a fire may start. The Integrated Wildland Fire Management Plan and its minimization measures, such as the FDRS and helicopter requirements reduce the chances of fires starting and therefore, reduce the risks to the plant species. It should also be noted that there are many areas at PTA dominated by barren lava where fires can not physically start. In addition it should be noted that the majority of large scale wildfires at PTA have started on State land below PTA and swept up the mountain and have not started in our impact areas from training.

7. Figure 10C shows the SDZ overlap with the listed species found at Schofield Barracks. It needs to be stressed that SDZs are developed to protect human life, not rare species and therefore, are drawn with protection of human life in mind. For example, the SDZs are usually made up of different zones. The zone directly in the middle down range of the firing point is the most likely area that a munition

will land. As you move out to the right and left of that area, the chances get smaller and smaller that a round will land there. The outermost bands of the SDZ are the fragmentation zone, where you would not want people to be while training with these rounds. I do not feel there is a chance plants or animals could be harmed by fragmentation. We have no data that indicates such a threat. In addition, SDZs are depicted in this figure in only 2 dimensions. This figure does not clearly reflect the steep elevation gain as the SDZ extends past the target area. The species depicted in this figure are found at these higher elevations and it is very unlikely that they will be impacted directly by live fire training on QTR 1. The Army has chosen not to currently continue construction of the BAX. The SDZs shown on this figure were analyzed by the USFWS and they found there was a much greater overall benefit to the species from the Army's natural resource management than there was a threat from training.

8. It should also be stressed that the Army has been using Schofield Barracks heavily for many years and these species are still here. Many of the old SDZs also overlap with these species. The fact that they are still present is a testament to the very small likelihood that they would be directly impacted by munitions use at Schofield. That leaves fire as the greatest indirect threat that USFWS was most worried about. Again, we use a FDRS and fuel breaks at Schofield

barracks West Range to reduce the impacts from fires and the chances that one will even start. The idea behind the Fire Danger rating System is that by limiting the use of highly incendiary munitions to the most benign conditions, you're reducing the chance a fire will start and if it does, it will be easily controllable because it will spread slowly. We use a lot of tracers at Schofield, which are the greatest fire starter. The presence of the species is also a testament to the success of the IWFMP and to the low threat to the species.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Michelle Mankser

11/20/06

MICHELLE MANKSER

DATE